

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

WP No. 17913 of 2025

(COURT ON ITS OWN MOTION Vs THE STATE OF MADHYA PRADESH)

Dated : 15-05-2025

*Shri Prashant Singh- Advocate General with Shri H.S. Ruprah -  
Additional Advocate General and Shri B.D Singh -Deputy Advocate  
General for the respondent/State.*

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Pursuant to the order dated 14.05.2025 passed by this Court which had directed the State to register an FIR against Mr. Vijay Shah, a sitting Minister of the State, the State has complied and has registered the FIR No.188/2025 of Police Station Manpur District Indore Dehat. The offences are under Sections 152, 196 (1)(b) and 197 (1)(c) of the BNS, 2023.

This Court has examined paragraph-12 of the FIR, which must necessarily lay down the ingredients of the offence by connecting it to the act of the offender. The FIR is brief. Having gone through the FIR in it's entirety, there is not a single mention of the actions of the suspect, which would satisfy the ingredients of the offences which have been registered against him. In fact, this Court deems it necessary to reproduce the relevant portion of the FIR. It states :

*“On the basis of what has been observed herein above  
this Court directs the Director General of Police of Madhya  
Pradesh to register forthwith an FIR against Minister Vijay*

*Shah for offences under Sections 152, 196 (1)(b) and 197 (1) (c) of the B.N.S. The same must be done by today evening, failing which tomorrow, when the matter is listed, the Court may contemplate proceeding against Director General of Police of the State for contempt of this order. The A.G. office is directed that this order shall be transmitted forthwith to the Office of Director General of Police of State and ensure that it is done. List this case on top of the list tomorrow (15.05.2025). The Register, I.T. of the Court is requested to collect all the links related to the video of the disparaging speech made by Mr. Vijay Shah in addition to the link mentioned in para 1 supra (दिनांक 14.05.2025 का पूर्ण आदेश संलग्न है) अतः उक्त आदेश के अनुपालन में श्री विजय शाह के विरुद्ध भारतीय न्याय संहिता, 2023 की धारा 152, 196(1)(ख) तथा 197(1)(ग) के अंतर्गत प्रथम सूचना रिपोर्ट पंजीबद्ध कर विवेचना में लिया जाता है। "*

The operative portion of the paragraph 12 is nothing but the reproduction of last part of the order passed by this Court on 14.05.2025 and it does not have a whisper of the earlier part of the order, which lays down in detail, the actions of the suspect and how they constitute an offence under each of the sections mentioned herein above.

The law relating to the quashing of an FIR is well settled. The FIR can be quashed where the ingredients or the contents of paragraph 12 which provides for description of the actions of the accused/suspect

which constitutes an offence has not been reproduced in this particular paragraph. This FIR has been registered in such a manner leaving sufficient space open so that if it is challenged under erstwhile section 482 of Cr.P.C (section 528 BNSS), the same may be quashed because it is deficient in material particulars of the actions which constitutes each of the specific offences. This is gross subterfuge on the part of the of the State. The FIR has been drawn in a manner so as to assist the suspect Mr. Vijay Shah to be able to have the FIR quashed on a later date. At this juncture this Court desists from embarking on a journey to find out as to who was responsible in the chain of command of the State police for this clumsy attempt. This Court shall endeavour to find out the same in future proceedings. However, in order to ensure that said subterfuge is nipped in the bud, this Court directs that the entire order of 14.05.2025 shall be read as part of paragraph 12 of the FIR for all judicial, quasi judicial and investigating process henceforth.

In view of the nature of the case and the manner in which the FIR has been registered, which does not inspire confidence of this Court, and the Court is of the opinion that if the case is not duly monitored, the police would not investigate fairly in the interest of justice in accordance with law. Under the circumstances, this Court feels compelled to ensure that it monitors the investigation without interfering in the independence of the investigating agency but only to the extent of monitoring that it acts fairly in accordance with law without being influenced by any

extraneous pressures or directions.

List this case on 16.06.2025 on the top of the list.

A copy of this order be given to the AG Office for information and necessary action.

(ATUL SREEDHARAN)  
JUDGE

(ANURADHA SHUKLA)  
JUDGE

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